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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/697,237

10/31/2003

Nobuyuki Nonaka

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/697,237 | Applicant(s) NONAKA, NOBUYUKI | |
| | Examiner ROBERT MOSSER | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 29th 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28th, 2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1** and **3-5** are rejected under 35 U.S.C. 102(e) as being anticipated by Muir et al (US 2005/0192090).

[The presentation below entitled Response to Arguments is incorporated herein.]

Muir teaches a gaming machine including:

a game result display means comprising a first display component of a reel type display (Figure 8, Paragraph 41) , a second display component of a LCD type display (Figure 8, Paragraph 48), and a third display component of a liquid crystal shutter wherein the third display element selectively blocks the transmission of the reel image display component and selective enables the transmission of the LCD image component (Figure 8, Paragraph 61-65) wherein the second and third display elements are shown in a “one piece construct” (Figure 8);

a value providing device to provide game payouts to the player based on game outcomes (Paragraph 47); and

a controller for controlling the operation (Paragraph 45).

Response to Arguments

Applicant's arguments filed February 28th, 2008 have been fully considered but they are not persuasive.

The Applicant argues that the prior art of Muir fails to teach two specific element of the claimed invention in their response.

In support of their position the Applicant presents the following.

“Specifically, it is respectfully submitted that the applied art fails to teach a first display device, a second display device disposed in front of the first display device and a third display device disposed in front of the first display device with the second and third display device being facially opposed to one another and with the third display device being disposed between the first and second display device.” (Applicant remarks dated December 27, 2007 page 6)

The Applicant’s argument to this point is unclear. As presented, Muir teaches a layered display device facially opposed to one another and including a reel display

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device, a shutter display device and a LCD display device (Muir Figure 8). This arrangement as presented by Muir correlates to the claimed arrangement of displays demonstrated Applicant's figure 8. It is unclear where the Applicant believes a proposed distinction to stand between the prior art and the claimed invention based on the above presented limitation.

" Furthermore, it is respectfully submitted that the applied art also fails to teach that the at least one display shielding area of the third display device is controllably switched to either a view-inhibition state in which the display of the first display device is shielded to prevent or inhibit viewing of the first display device through the second display device regardless if the at least one transparent area of the second display device is in the transparent condition or the non-transparent condition or a viewing state in which the display of the first display device is transparently displayed for viewing through the second display device via the third display device when the at least one transparent display area of the second display device is in the transparent condition. (Applicant remarks dated December 27, 2007 page 6-7)

The above limitation generally reproduced from Applicant's claim 1, sets forth the functionality of the third display as capable of selectively presenting either an opaque or a translucent state and therewith the respective state either allowing the transmission of the first reel display image through the third display or blocking the transmission of the first reel display through the third display. The operation of the third display is additionally referenced as not directly affecting the display state of the second display presented in front of the first and third display.

Muir describes this interaction of displays and goes further to define the equivalent of the Applicant's third display to be a variable opaqueness liquid crystal shutter mechanism as set forth above and in at least paragraphs 12, 22, 50, 51, 63, and 65 of Muir. For this feature it is additionally unclear wherein the Applicant believes a proposed distinction to stand between the prior art and the claimed invention based on the above presented limitation.

“...in any regard, the controller for controlling the operation of the one piece construct of the applied art in paragraph [0045] or otherwise fails to control the one piece construct in a matter that the at least one display shielding area of the third display device is controllably switched to either a view-inhibition state in which the display of the first display device is shielded to prevent or inhibit viewing of the first display device through the second display device regardless if the at least one transparent area of the second display device is in the transparent condition or the non-transparent condition or a viewing state in which the display of the first display device is transparently displayed for viewing through the second display device via the third display device when the at least one transparent display area of the second display device is in the transparent condition as recited in claim 1. the Applicant believes a proposed distinction to stand between the prior art and the claimed invention based on the above presented limitation.”
(Applicant remarks dated December 27, 2007 page 7)

As best understood the Applicant proposes in the above reproduced comments that the proposed novelty of their invention rests on the ability of the third display (equated LCD shutter of Muir) to selectively occlude or permit the transmittance of the first display image regardless the state of the third display. Muir however teaches that the third display may be in a transparent state allow the presentation of a combined image of the first and second display (Muir paragraphs 18, 50), and a non-transparent state wherein the images of the first display are removed from the presentation resulting in only the display of second display portion of the respective image (Muir paragraph 63). The disclosure as presented by Muir additionally teaches two separately controlled displays are capable of functioning in concert they are not required to do so (Muir paragraph 64). Hence the Applicant's proposed distinction is not supported by the reference of Muir and therefore cannot establish a basis for separation between the pending claims and the prior art as applied. Accordingly upon review the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714
/R. M./
Examiner, Art Unit 3714
March 26, 2008